

REMARKS

Claim 12 has been canceled and no new claims have been added. Claims 8, 10 and 11 have been amended. Accordingly, claims 8-11, 13, and 14 remain under prosecution in this application.

35 USC §112, second paragraph

Claims 8-14 are rejected are under 35 USC §112, second paragraph as being indefinite. Specifically, the Examiner has objected to the phrase “in particular a brake piston used in the preamble portion of both claims 8 and 10. This phrase has been deleted from both claims 8 and 10 and accordingly, the undersigned believes that the Examiner’s objection is now overcome.

35 USC §102

Claim 8 has been rejected under 35 USC §102(b) as being anticipated by Fumishi, or in the alternative, by Madsac, or in the alternative by Heminghouse. Claim 8 has been amended to incorporate the feature of “fabricating a hydraulic piston.” Although the Examiner states that these references teach arranging various oxides on a piston surface, the undersigned can find no mention in any of these three cited references which specifically teaches applying the methods set out in these references to hydraulic pistons. Accordingly, for this reason alone, the undersigned believes that amended claim 8 is now in condition for allowance.

Claim 9

Claim 9 is rejected under 35 USC §102(b) as being anticipated by Fumishi. Claim 9 specifically requires that “the connecting layer includes capillary tubes which are respectively closed at the piston surface by portions of the layer of oxide.” None of the references of record teach or suggest this claim limitation and accordingly, the undersigned believes that, for this reason alone, claim 9 is in condition for allowance.

Claims 10, 11, 13 and 14

Claims 10, 11, 13 and 14 are rejected under 35 USC §102(b) as being anticipated by Dawes. Claim 10 has been amended to incorporate the features of originally submitted claim 12. None of the references of record teach or suggest the invention set forth in newly amended claim 10 and accordingly, the undersigned believes that claim 10 and its dependent claims (claims 11, 13 and 14) are now in condition for allowance.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 64098-0894 from which the undersigned is authorized to draw.

Dated: April 8, 2004

Respectfully submitted,

By 

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